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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/505,214	10/26/2004	Martin Vigoureux	Q82801	2390
23373 7590 04/18/2008 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER JAGANNATHAN, MELANIE	
			ART UNIT 2619	PAPER NUMBER
			MAIL DATE 04/18/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/505,214

Applicant(s)

VIGOREUX ET AL.

Examiner

Melanie Jagannathan

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 4-8 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 2, 4-8 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/CDC)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

- Examiner has considered Amendment after Non-Final mailed 2/4/2008.
- Claims 1-2, 4-8 are pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 4-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Doverspike et al. US 6,982,951.

Regarding claim 1, the claimed method of determining a spectral route in an optical telecommunications network (T) between a starting node (ON1) and a destination node (ON6) of the network comprising using a conventional routing method to determine at least one candidate spatial route (Route 1, Route 2) connecting the starting node (ON1) to the destination node (ON6) is disclosed by path restoration method in an optical network for a path between a source node and a destination node. See column 2, lines 7-31. The claimed each candidate spatial route consisting of a

sequence of route segments, each segment connecting two nodes of the network directly and being adapted to support a plurality of wavelengths each constituting a spectral route segment is disclosed by the path is selected based on wavelength characteristics distributed by the nodes on the path. The claimed collecting values of parameters characterizing all the spectral route segments along each candidate spatial route and using an optimization method to process all the collected parameter values to select a spectral route and the spatial route that supports it by selecting the wavelength to be used, or the wavelengths to be used successively, to connect the starting node to the destination node is disclosed by RSVP path and reserve messages including link weight information are passed through each node from source and destination and the restoration path is selected using the weight information. See column 7, lines 47-67, column 8, lines 1-3.

Regarding claims 1-2, the claimed collecting parameter values characterizing all route segments along each candidate spatial route, it consists in sending a route set-up request message from the starting node (ON1) to the destination node (ON6) and collecting parameter values in that message as it passes through each node along the candidate spatial route, processing all the parameter values at the destination is disclosed by RSVP path and reserve messages including link weight information are passed through each node from source and destination and the restoration path is selected using the weight information. See column 7, lines 47-67, column 8, lines 1-3.

Regarding claims 4-6, the claimed the parameters characterizing all the spectral route segments along each candidate spatial route take account of connection capacity,

transparency and quality of service constraints is disclosed by the message contains link weights.

Regarding claim 7, the claimed optical network node comprising management means for receiving a route set-up request message on a predetermined spatial route passing through the node and adding to the content of the message parameter values concerning spectral routes supported by the spatial route segment immediately upstream and/or downstream of the node on the spatial route, together with parameter values concerning the interfaces of the node is disclosed by RSVP path and reserve messages including link weight information are passed through each node from source and destination and the restoration path is selected using the weight information. See column 7, lines 47-67, column 8, lines 1-3. The link weight information is updated at each node as it passes from node to node. The claimed forwarding the message modified in this way to another node situated on the spatial route segment immediately downstream of the node and designated by routing information contained in the message is disclosed by the RSVP messages are passed from node to node and the link information is updated at each node.

Regarding claim 8, the claimed optical network node, the node being characterized in that it comprises management means for receiving at least one message containing parameter values collected along a candidate spatial route connecting a starting node to the node and using an optimization method to process the parameter values collected in this way along at least the candidate spatial route to select a spectral route by selecting the wavelength to be used, or the wavelengths to be

used successively, to connect the starting node to the node is disclosed by RSVP path and reserve messages including link weight information are passed through each node from source and destination and the restoration path is selected using the weight information. See column 7, lines 47-67, column 8, lines 1-3. The link weight information is updated at each node as it passes from node to node. The claimed forwarding the message modified in this way to another node situated on the spatial route segment immediately downstream of the node and designated by routing information contained in the message is disclosed by the RSVP messages are passed from node to node and the link information is updated at each node.

Response to Arguments

3. Applicant's arguments filed 2/4/2008 have been fully considered but they are not persuasive. Examiner appreciates the detailed description of the prior art.

Applicant argues Doverspike does not disclose the processing of the path is done at the destination node, and in fact discloses the opposite situation where the processing is carried out in the originating node.

Examiner respectfully disagrees. Although, Doverspike discloses the source node computing the restoration path, Doverspike also discloses all of the information needed for the computation of the service and restoration paths could be maintained at every OXC node. Thus, Doverspike does teach the above limitation.

Applicant further submits that Doverspike does not disclose the elements of parameters taking account of transparency constraints (claim 4) or quality of service

constraints (claim 6). Applicant argues the concept of "link weights" in Doverspike as disclosing the use of transparency constraints and quality of service constraints do not teach the limitation and upon careful review of Doverspike reveals that "link weights" are limited to capacity sharing aspects.

Examiner respectfully disagrees. The instant application discloses transparency parameter values characterizing the spectral dimension as the availability of wavelengths, physical parameters varying as a function of the occupation of the links. Examiner believes the link weights of Doverspike teach such transparency constraints.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Jagannathan whose telephone number is 571-

272-3163. The examiner can normally be reached on Monday-Friday from 8:00 a.m.-5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Melanie Jagannathan/
Primary Examiner, Art Unit 2619
April 13, 2008